

OFFICE OF THE CLERK, U.S. DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

280 SOUTH FIRST STREET, ROOM 2112

SAN JOSE, CALIFORNIA 95113-3095

OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE \$300

FILED

2008 JUL 15 P 3:05

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. S.J.

Emilee Cass
1260 N. Bascom Ave. Apt. #5
San Jose, CA 95128

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RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD
BC: 95113300299 *26556-00452-09-35
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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Emilee Cass,
Plaintiff,
v.
Starbucks Corp., et al.,
Defendants.

NO. C 07-03549 JW

**ORDER DISMISSING PLAINTIFF'S
COMPLAINT WITHOUT PREJUDICE
FOR FAILURE TO PROSECUTE**

Emilee Cass ("Plaintiff") filed this diversity action against Starbucks Corp. ("Defendant"), alleging, *inter alia*, violations of California Government Code § 12940.

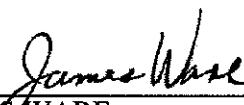
On June 16, 2008, the Court conducted a Case Management Conference. Counsel for Defendant was present; however, no one appeared on behalf of Plaintiff Emilee Cass. (Docket Item No. 19.) Prior to the conference, the Court had granted Plaintiff's counsel's motion to withdraw as counsel of record. (Docket Item No. 16.) The Order provided Plaintiff shall file notice of either (1) substitution of counsel or (2) self-representation on or before May 22, 2008. To date, Plaintiff has failed to file any such notice. Thus, the Court ordered Plaintiff to appear at a hearing set for July 7, 2008 to show cause why the case should not be dismissed for failure to prosecute. (Docket Item No. 20.) The Court also ordered Plaintiff to file a certification with the Court at least ten days prior to the July 7, 2008 hearing explaining the reason no appearances were made, what steps Plaintiff is taking to prosecute the action, and the expected future course of the litigation. Plaintiff failed to appear at the show cause hearing, and, to date, Plaintiff has not filed a certification as required by

1 the Court. In the Court's Order setting the show cause hearing, the Court warned Plaintiff that a
2 failure to file a certification would result in a dismissal of the case pursuant to Rule 41(b) of the
3 Federal Rules of Civil Procedure.

4 The Court notes that mail sent by the Clerk of Court to Plaintiff has been returned as
5 undeliverable, and there is no forwarding address. (Docket Item No. 21.) It appears that Plaintiff
6 has abandoned this litigation. Since Plaintiff has failed to take the actions directed by the Court and
7 has otherwise abandoned this case, the Court DISMISSES Plaintiff's Complaint without prejudice.

8 The Clerk shall close this file.

9
10 Dated: July 7, 2008


11 JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Amy Richelle Carlson acarlson@hinklelaw.com
3 David R. Burtt dburtt@perkinscoie.com
3 David Raymond Ongaro dongaro@perkinscoie.com
4 Gerald A. Emanuel jemanuel@hinklelaw.com
4 Jonmi Nai On Koo jkoo@perkinscoie.com

5 Emilee Cass
6 1260 N. Bascom Ave. Apt. #5
7 San Jose, CA 95128

8 **Dated: July 7, 2008**

Richard W. Wieking, Clerk

9
10 By: /s/ JW Chambers
11 Elizabeth Garcia
12 Courtroom Deputy